

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY**

**Call to Order:** By **CHAIRMAN STEVE VICK**, on **February 8, 1999** at  
8:05 A.M., in Room 405 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Steve Vick, Chairman (R)  
Sen. Arnie Mohl, Vice Chairman (R)  
Sen. Chris Christiaens (D)  
Rep. Stan Fisher (R)  
Sen. Dale Mahlum (R)  
Rep. Red Menahan (D)  
Sen. Debbie Shea (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Skip Culver, Legislative Branch  
Mary LaFond, OBPP  
Linsey Mortensen, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: Department of Corrections,  
2/15/1999

#### **MONTANA WOMEN'S PRISON**

Introduction of **Jo Acton**, Warden at the Montana Women's Prison  
(WMP).

**{Tape : 1; Side : A; Approx. Time Counter : 1.5 - 3.4}**

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**Jo Acton** gave an overview of what has been accomplished in the last biennium, what programs are implemented, and went over budget requests. **EXHIBIT(jih31a01)EXHIBIT(jih31a02)**

**{Tape : 1; Side : A; Approx. Time Counter : 3.4 - 10.7}**

**Questions from Committee Members and Responses**

**SEN. MOHL** asked why there is an increase in overtime if the legislature increased the number of staff. **Jo Acton** replied that it was because they have had an increase of transports and she tries to have the same number of staff at all time.

**{Tape : 1; Side : A; Approx. Time Counter : 10.7 - 12.3}**

**SEN. CHRISTIAENS** asked about another program.

**CHAIRMAN VICK** asked if the security system they would like to implement would have to be changed when they put the new building in. **Ms. Acton** stated that all of the security system would tie in with the new building.

**{Tape : 1; Side : A; Approx. Time Counter : 12.3 - 13.7}**

**SEN. MAHLUM** commented to **Ms. Acton** about her staff.

**{Tape : 1; Side : A; Approx. Time Counter : 13.7 - 15.3}**

**CONTRACT BEDS for FEMALES**

**EXHIBIT(jih31a03)**

**Jo Acton** spoke of what they have contracted out and what their budget request is for this biennium.

**{Tape : 1; Side : A; Approx. Time Counter : 15.3 - 17.6}**

**Questions From Committee Members and Responses**

**REP. FISHER** asked why there was a vacancy factor. **Skip Culver** explained.

**SEN. CHRISTIAENS** asked why they needed 4 FTE for having a contract with another prison. **Joe Williams** replied that the 4 FTE is for all the contracted prisons it is for not just for the women contract beds. They also need the FTE to monitor the individuals who are out of state. **SEN. CHRISTIAENS** asked if the contracts are looked at by a contract attorney. **Mr. Williams** stated that they are looked at by an attorney.

**{Tape : 1; Side : A; Approx. Time Counter : 17.6 - 20.2}**

**CHAIRMAN VICK** asked if the contract is a per bed contract. **Jo Acton** replied that it is per bed contract and they negotiated of a number range. **CHAIRMAN VICK** asked if they didn't have any what

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would happen. **Jo Acton** replied that they have a clause in their contract stating that they can drop the contract. **CHAIRMAN VICK** asked how the prison has worked out for our women. **Ms. Acton** stated that the prison has worked cooperatively with Montana, and is a good facility.

*{Tape : 1; Side : A; Approx. Time Counter : 20.2 - 22.3}*

**Bob Bass**, director for Correctional Services Corporation in New Mexico - the private prison that houses the women.

*{Tape : 1; Side : A; Approx. Time Counter : 22.3 - 23.2}*

### QUESTIONS

**REP. MENAHAN** asked why they built a prison in New Mexico. **Mr. Bass** replied that the county built it and contracted the prison out to a private company. Economic development was another reason--they buy as much as they can locally.

*{Tape : 1; Side : A; Approx. Time Counter : 23.2 - 25.8}*

**REP. FISHER** asked how many they could house at the prison. **Mr. Bass** replied that the prison can house 350 inmates, but the prison is for females and males.

**SEN. MAHLUM** asked if the prison housed juveniles. **Mr. Bass** replied that they do not, because they must be separated by sight and sound.

*{Tape : 1; Side : A; Approx. Time Counter : 25.8 - 27.6}*

**SEN. MOHL** asked how they determined who goes to New Mexico. **Jo Acton** stated that they try to look at the length of sentence, mental health needs, parole eligibility, medical needs, and family ties. **SEN. MOHL** asked what would happen to the money if they didn't expend all the money. **Skip** explained the system and process.

*{Tape : 1; Side : A; Approx. Time Counter : 27.6 - 31.4}*

**SEN. MAHLUM** asked if the cost per day for prisoners in New Mexico is comparable to Montana. **Joe Williams** stated that Montana's costs were higher, but that the prison in New Mexico is bigger.

*{Tape : 1; Side : A; Approx. Time Counter : 31.4 - 32.6}*

**CHAIRMAN VICK** asked if the facility is run close to capacity. **Mr. Bass** replied that it runs fairly close to capacity depending on their out of state contracts.

*{Tape : 1; Side : B; Approx. Time Counter : 0.3 - 3.5}*

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**SEN. CHRISTIAENS** asked who prepares the parole reports for the prisoners out of state and if they are done in a timely manner. **Jo Acton** replied that the case manager writes the reports. They have had them done in a timely manner. **SEN. CHRISTIAENS** asked if they have someone go to the prison on a regular basis. **Ms. Acton** replied that they do not have someone at the prison, but they do have reports on the inmates on a daily basis, and they use teleconferencing. **SEN. CHRISTIAENS** asked if there are special arrangements made for family members. **Ms. Acton** replied that they do allow visits and phone calls. (**Mr. Bass** discussed the phone carrier)

*{Tape : 1; Side : B; Approx. Time Counter : 3.5 - 9.2}*

Discussion and questions on budget and outside medical costs.

*{Tape : 1; Side : B; Approx. Time Counter : 8.9 - 14.3}*

**Joe Williams** commented on overtime.

*{Tape : 1; Side : B; Approx. Time Counter : 14.1 - 14.8}*

**SEN. MOHL** asked what the total number of prisoners were in state and out of state. **Jo Acton** replied that there are 70 inmates in house, 11 in jail holding, 6 in other jails, and 38 in New Mexico for a total of 125 inmates.

*{Tape : 1; Side : B; Approx. Time Counter : 14.8 - 16.6}*

**CHAIRMAN VICK** asked what was meant by the "other jails". **Jo Acton** replied that there are a couple in federal prisons, some are waiting parole, and other is in a mental health facility in Washington.

*{Tape : 1; Side : B; Approx. Time Counter : 16.6 - 17.7}*

**SEN. MOHL** asked how many women could be housed in the New Mexico prison. **Mr. Bass** replied that he could take up to 80 women from Montana.

*{Tape : 1; Side : B; Approx. Time Counter : 17.7 - 18.6}*

Discussion on the New Mexico prison being cheaper.

*{Tape : 1; Side : B; Approx. Time Counter : 18.6 - 22.3}*

Comments and questions about privatization.

*{Tape : 1; Side : B; Approx. Time Counter : 22.3 - 25.7}*

**SEN. MOHL** asked what the costs would be with the new addition. **Joe Williams** replied that the costs would go down to about \$55 a day, and the correctional officers start out at about \$9.00 an hour. **SEN. MOHL** asked where they will get more inmates. **Joe Williams** stated that the amount of women in prison are rising.

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**{Tape : 1; Side : B; Approx. Time Counter : 25.7 - 30.5}**

Discussion on why there is a rise in women prisoners.

**{Tape : 1; Side : B; Approx. Time Counter : 30.5 - 32.5}{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 0.9}**

**REP. MENAHAN** and **Mr. Bass** discussed the cost and design of the New Mexico prison.

**{Tape : 2; Side : A; Approx. Time Counter : 0.9 - 3.9}**

**Mike Ferriter** did a wrap up on **Jo Acton's** presentation.

**{Tape : 2; Side : A; Approx. Time Counter : 3.9 - 7.9}**

**SEN. CHRISTIAENS** asked if they are doing anything for a different type of placement for older inmates. **Mr. Ferriter** stated that there are on going discussions about what to do with geriatric inmates. **SEN. CHRISTIAENS** asked if there are nursing homes that would take an incarcerated person. **Mr. Ferriter** replied that some nursing homes have taken people, but as of now there are no talks with a nursing home to take inmates.

**{Tape : 2; Side : A; Approx. Time Counter : 7.9 - 9.8}**

**REP. MENAHAN** asked how many of the inmates have finished or finish high school. **Jo Acton** replied that they are seeing more and more women who have finished high school or get their GED while in prison.

**{Tape : 2; Side : A; Approx. Time Counter : 9.8 - 11.3}**

**EXHIBIT(jih31a04)**

#### **TESTIMONY**

Joan Hurdle, house district #13, discussed the needs of the women's prison. **EXHIBIT(jih31a06)**

**{Tape : 3; Side : A; Approx. Time Counter : 10.8 - 19}**

Comments by committee members

**{Tape : 3; Side : A; Approx. Time Counter : 19 - 24.8}**

#### **PINE HILLS YOUTH CORRECTIONAL FACILITY**

Introduction of **Steve Gibson**, superintendent of the Pine Hills Youth Correctional Facility.

**{Tape : 2; Side : A; Approx. Time Counter : 12.2 - 14.2}**

**Steve Gibson**, reviewed the accomplishments of the last biennium and the programs at the facility. **EXHIBIT(jih31a05)**

**{Tape : 2; Side : A; Approx. Time Counter : 14.2 - 24.2}**

Budget requests

**{Tape : 2; Side : A; Approx. Time Counter : 25.1 - 31.3}**

continued budget requests

**{Tape : 2; Side : B; Approx. Time Counter : 1.4 - 14.7}**

**QUESTIONS FROM COMMITTEE MEMBERS AND RESPONSES**

Discussion on how they calculate how many FTE are needed.

**{Tape : 2; Side : A; Approx. Time Counter : 22.2 - 25.1}**

**SEN. SHEA** asked how the community service work when the kids are in Miles City. **Mr. Gibson** stated that they ask the community in which the kids came from if they could do their community service in Miles City.

**{Tape : 2; Side : A; Approx. Time Counter : 26.5 - 27.6}**

**SEN. CHRISTIAENS** asked how much a psychologist is. **Mr. Gibson** replied that they have a contract with a psychologist at about \$9,000 a year. (Discussion on the contract with psychologist)

**{Tape : 2; Side : A; Approx. Time Counter : 31.3 - 32.6}{Tape : 2; Side : B; Approx. Time Counter : 0.2 - 1.4}**

**SEN. CHRISTIAENS** asked about the availability of a psychologist. **Mr. Gibson** replied that he has been approached by the mental health center, VA hospital, and Holy Rosary to share the cost of a clinical psychologist and the cost would be about \$41,000 a year. (Discussion on a psychologist and psychiatrist)

**{Tape : 2; Side : B; Approx. Time Counter : 14.7 - 20.2}**

**REP. FISHER** asked about the overtime pay. **Mr. Gibson** stated that replacement training costs included in that pay. (Discussion on FTE's required and costs)

**{Tape : 2; Side : B; Approx. Time Counter : 20.2 - 25.4}**

**CHAIRMAN VICK** asked who makes up the emergency preparedness requirements. **Mr. Gibson** replied that it is in the corrections standards and ASA standards.

**{Tape : 2; Side : B; Approx. Time Counter : 25.4 - 26.7}**

**SEN. SHEA** asked how much the substitute teachers a day. **Mr. Gibson** stated that they are paid \$60 a day and the teachers are certified.

**{Tape : 2; Side : B; Approx. Time Counter : 26.7 - 27.8}**

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Discussion on break-down of costs per day.

***{Tape : 2; Side : B; Approx. Time Counter : 27.8 - 31.2}***

**SEN. CHRISTIAENS** asked about the use of pepper spray. **Mr. Gibson** explained the history and when they use it.

***{Tape : 2; Side : B; Approx. Time Counter : 31.2 - 32.5}{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 1}***

**SEN. CHRISTIAENS** asked about the transportation of youth out of the facility. **Mr. Gibson** replied that the county is responsible for the transportation to the facility, and out of the facility the youth are put on a bus or go home with family members.

**SEN. CHRISTIAENS** asked what will have to happen to be accredited with the new facility. **Mr. Gibson** replied that nothing will have to be done if they continue to do what they are doing.

***{Tape : 3; Side : A; Approx. Time Counter : 1 - 3.2}***

**CHAIRMAN VICK** and **Mr. Gibson** discussed the community service program and getting uniforms.

***{Tape : 3; Side : A; Approx. Time Counter : 3.2 - 8.1}***

Wrap-up on **Mr. Gibson's** presentation. Comments on the Threshold program.

***{Tape : 3; Side : A; Approx. Time Counter : 8.1 - 10.8}***

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**ADJOURNMENT**

Adjournment: 10:53 A.M.

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REP. STEVE VICK, Chairman

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LINSEY MORTENSEN, Secretary

SV/LM

**EXHIBIT** (jih31aad)